



**Planning Commission, Board of Adjustments &  
Design Review Board**

**Regular Scheduled Meeting Agenda**

**Tuesday, June 28, 2016 at 5:30 p.m.**

**Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147**

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- I. **Call to order / Roll Call:** Commissioner Maez calls the meeting to order at 5:30 PM. Present were Commissioners Adams, Giles and Parker. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.
- II. **Announcements:** Commissioner Heidi Martinez has rescinded her position on the Planning Commission, Board of Adjustments, and Design Review Board effective immediately. This does open the vice-chair position.
- III. **Approval of Minutes**
  - A. *Approval of the June 14, 2016 Planning Commission meeting minutes:* Commissioner Adams says on the 3<sup>rd</sup> page of the minutes about a third of the way down and discusses the denial criteria. Include the Planning Commission gave the following criteria. Commissioner Parker moves to approve the minutes as presented with the alterations as discussed. Commissioner Giles seconds. Unanimously approved.
- IV. **Public Comment**
  - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* NONE
- V. **Design Review Board**
  - A. *Major Design Review Application for 52 Village Drive, Axis Health Systems Facility:* Planning Director James Dickhoff discusses the application. This is a public hearing and will require a period for public comment. Staff did conduct a pre-application meeting with the applicants and public notifications were issued. Planning Director James Dickhoff says the application needs to adhere to Article 2-6 of the Land Use Development Code. The applicants Jeff King and Tom Umbhau discuss their plan for the project. Mike Davis will be the engineer for the project. The applicants currently have an office space in the Adobe Building and 8 spaces across the state of Colorado. The facility will provide low cost health and dental care. Applicant Tom Umbhau discusses the architecture for the building. They have provided updated plans for the site to address some initial concerns from staff. There was a lot of effort put into the design to make the building cohesive with its surroundings. The elevations have been significantly modulated and the materials are composed of a mixture of materials: stone, stucco, metal, and horizontal siding. There was significant landscaping and lighting considerations for this project. The applicants are saving all of the large pine trees on the site, which is roughly 5 total trees. The lighting for the site will be contained within the site and will not bleed over the property lines. There will also be a dumpster enclosure on the site to screen this from viewers. Commissioner Adams asks about the design itself. He asks what the name of the design is as it is becoming popular in Colorado. Jeff King says the design was focused on creating a design that wouldn't date the building to a specific time period. There are many options to modulate the building to make it look different and unique. The

Commission thanks the applicants for being a part of our community and they feel that this building style will set a new precedent for Pagosa. Commissioner Parker asks about the shields on the lights being removable. Tom Umbhau says the shield is classified as an accessory and is confident that it is removable. Commissioner Adams asks about the demographics typically aimed for with this type of facility. Jeff King says that each location is different and once the building is open the services will be catered to what the community needs. One of the largest elements of this project is to provide options to people, families, children, and various other demographics. Mike Davis discusses the drainage for the site. There are a few minor changes that they have made from the original documents. The building location is the same. The drainage flows to the NE corner of the property, where a wetland is located. The main challenge for the site was the detention pond. Off-site drainage, the 3 properties to the west, directs their drainage onto this property. On-site and off-site drainage will be kept separate and will all eventually flow into the wetlands and natural drainage. There will be a minor wetlands impact. Planning Director James Dickhoff discusses his analysis of the project. The project is in a commercial district, which allows the use of medical offices. The maximum height and minimum setback requirements are all met. The project isn't within a floodplain, but does contain wetlands on the site and is required to adhere to BMP's for the project. The applicants are in compliance with the drainage and snow storage requirements. All utilities have been addressed for the site and the building will have sprinklers. The access points for the site are Town owned property and the Town will maintain the ditches. The applicants have exceeded the maximum number of spaces allowed for the property at roughly 60 spaces, but the code only allows for about 44 spaces. Commissioner Maez asks about the rezoning for a maximum number of parking spaces. Planning Director James Dickhoff says it's to reduce the large size of unused parking lots. The Planning Director James Dickhoff says he is comfortable with the number of spaces currently proposed at 60 spaces. The landscaping has been adjusted to accommodate the more spaces. 12 trees minimum are required for the 60 spaces proposed for the site, which has been accommodated. The lighting for the site is satisfactory and the Planning Director James Dickhoff appreciates that the addition of a shield can be added. Commissioner Parker asks about the standard for measuring the light. Planning Director James Dickhoff says that the meter should be held flat for an accurate reading. The applicants will be installing a 5ft wide sidewalk in front of the property up to the entrance of the building. The applicant has successfully provided a 4 sided design, mixture of materials, and the modulation of the roofline and façade. Commissioner Parker would like to have clarification on the sidewalk leading up to the building. He also feels that the detention pond should be landscaped. He also suggests landscaping on the inside of the NE curved sidewalk. He also recommends trees that would provide shade near the south and west side of the building. The hydrangea and lavender may also not be the best choice for the area. He recommends irrigation for the south side of the building. Planning Director James Dickhoff says that irrigation is not required, but maintaining the property is. Commissioner Parker asks about the screening for the unit on the building. The unit will be shielding with the same material on the building. The proposed monument sign meets the Town's criteria on Village Drive. The next step for the applicant would be to pursue a building permit. The walkways up to the building will be 5ft up to the curve and then transition down to 4ft around the curve. Commissioner Adams asks about the NW parking lot being only for employees and if there is enough space to turn around. Mike Davis says that it is regulation parking, while the other parking is a bit larger. Commissioner Parker asks about plans to irrigate outside of the parking area. The applicant has not discussed this as of yet, but will address these concerns with the client. Emily Deets has property nearby and is impressed with the building design. She asks about the Country Center Plaza to have an egress/digress from Village Drive or possibly a roundabout. Planning Director James Dickhoff requested to have this project's entry points directly across from the Alco Property. It has been suggested to install a traffic circle. As the property develops

to the west of Alco, it may be suggested to have Village Drive access. Emily Deets is concerned about the increase of traffic and the flow of vehicles. She asks about the swale that directs drainage. Mike Davis says that the on-site drainage is primarily directed through the parking lot and off-site drainage will be directed through the swale. All of the drainage will be directed towards the detention pond overall. She says that it would be beneficial to have an elevated, gravel walking path for people to use. It would be nice to have a path through the wetlands for people to walk or ride their bike. Dan McPherson owns the lot 3H2 on the project maps. He says that being a neighbor, he feels that the architecture is very nice. Mr. McPherson asks about the elevation of the parking lot and accommodating the swale. Mike Davis says that fitting the swale to direct drainage will not be a problem and will adequately direct drainage. He is concerned also about the trash enclosure. Mike Davis says that the placement is still conceptual and could be moved. Dan McPherson would like to work together to make the whole area cohesive. There will be 1.5 acres of affected wetlands on the site from development. Commissioner Parker moves to approve the AXIS Health Systems Major Design Review Application submitted, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent that the applicant shows evidence of a storm water management plan and a State issued permit prior to the issuance of a building permit. Commissioner Giles seconds. Unanimously approved.

## **VI. Planning Commission**

- A. *Additional Discussions Regarding Minimum Lot Sizes in the R-12 and R-18 Districts:* Planning Director James Dickhoff discusses the work session from earlier this week. The utility companies are concerned about the splitting of lots because the gas lines are located in the alleys. They are concerned with ignition sources or sewer line issues. It is imperative to maintain a 5ft distance from anything else that may be buried. PAWSD and La Plata had less concerns. La Plata is currently installing meters on structures instead of on the property line. If staff were to allow someone to split their lot, they need to go through the plat amendment process. Structures cannot be closer than 10ft together or they would need to be constructed out of fire resistant materials. Planning Director James Dickhoff says that there needs to be at least 7.5ft easements for utilities on both sides of a property. Commissioner Adams says that the Commission should push back on the 7.5ft requirements and feels it is over restrictive. He suggests a site specific consideration for each application. Planning Director James Dickhoff says it is site specific and the LUDC does require the 5ft setback on each side in this zone. The 5ft side setbacks are a national standard for utilities. When staff receives a plat amendment, no building plans are typically provided. It is imperative for staff to ensure future development is not hindered. Every site is different and takes its own consideration. Commissioner Maez would like the Commission to review this information.
- B. *Vacation Rental Zoning Discussions:* Planning Director James Dickhoff discusses the current ideas presented to Town Council. Town Council is concerned with how vacation rental may affect the smaller lot sizes. They would like to have a work session with the Planning Commission on this issue. Town Council would like to know how we should regulate the market if we should even regulate it. Communities across Colorado all have very different regulations. Some possible considerations are a workforce housing overlay district, restrictions (number per block/area/only certain zones), prohibition in certain zones because of use, or let the market regulate itself. Currently, the Code allows for home businesses if you live at the residence full time, on site. A vacation rental is a business, but the owners don't live on-site. This is the primary difference. The R-12 and R-18 districts do not allow this use by right. Dan McPherson manages properties within the Town. He says owners have switched back and forth between short term and long term. He says

that most of the vacation rentals are in the Pagosa Lakes area and not downtown. Mr. McPherson says that it's too risky for an investor to develop site just for short term rentals. It is more likely they would create long term rentals. Commissioner Maez asks how many of his properties are in compliance with the Town. He says that by law he is required to report these to the county and Town. Commissioner Parker asks how Mr. McPherson determines what a long or short term rental is. Anything over 6 months is considered long term for the county and anything over 30 days for the Town. Currently he has 58 long term rentals and 80 short term rentals. Commissioner Adams asks what the threshold is to let homes go if they are not being rented. Mr. McPherson says any property that doesn't rent at least 45 days a year will be dropped from his management. He says that the occupancy rate has been steadily rising over that couple of years. Properties over other uses are very difficult to rent. He says that most people purchase a second home for enjoyment and not solely to make a profit. 33% of the nights available were occupied by the owner or a renter and of that percentage 10% was owners. On average, most of the properties are rented for about a week. Commissioner Parker asks how Mr. McPherson coordinates with online sources. They only advertise on those sites. Mr. McPherson says that the online sites don't rent properties as long throughout the year. He says his company can rent a property for roughly 13 weeks a year, while online sites could do 5 weeks. He says that there has been an increase for long term rentals in the downtown, but not from the tourists. Commissioner Adams asks if the downtown vacation rentals rent less than the uptown area. Dan McPherson says there is a demand for downtown rentals and they rent more often, but larger homes are located uptown. Commissioner Giles says that limiting vacation rentals is something that needs further consideration. He suggests incentives, possibly impact fees, for developers instead of limiting the rentals. Commissioner Adams would like to have Commissioner Giles join the housing group. Commissioner Parker asks how many builders are currently waiting to develop. He says that we shouldn't lower standards to just accommodate developers. Impact fees would be helpful to raise the standard of living and development. Commissioner Adams says that developers are looking to be profitable and changing the zoning downtown, increasing the density, impact fees, and lowering other costs. Commissioner Adams discusses the research he did on the local rental market. He says that the rental market for short terms is saturated and some rental agents are urging their clients to go into the long term market. He feels that the Commission doesn't have the data to provide any recommendations or decisions and suggests leaving this alone. He also suggests a newspaper article quoting the LUDC to get people in compliance and some people will most likely drop out of the short term rental market. Commissioner Maez asks for the Planning Director's opinion on these issues. Planning Director James Dickhoff says that he is happy to hear that most of Dan McPherson's properties are second homeowners. It provides evidence that is what's occurring for properties being professionally managed. It is also good to hear that the market is saturated and that some property owners are converting back to long term. For the Commission to get involved with incentives, there needs to be a long term plan, but will require staff's time to monitor the property. Planning Director James Dickhoff would like to see the market take its course at the present time. Commissioner Adams says that deed restrictions are appropriate for subsidized larger housing developments. Staff is currently trying to schedule a work session with Town Council on this.

C. *Zoning Map Discussions*: Tabled for the next meeting.

## VII. **Public Comment**

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda*: NONE

**VIII. Reports and Comments**

- A. Staff Report\_ Projects, Updates and Upcoming Development Applications: Town Council did approve the full construction of 8<sup>th</sup> Street.
- B. Planning Commission – Comments, Ideas and Discussion
- C. Upcoming Town Meetings Schedule

- X. Adjournment:** Commissioner Giles moves to adjourn. Commissioner Adams seconds. Unanimously approved. The meeting adjourns at 8:41 PM.

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Commission Chair, Ron Maez